

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

MELISSA J. TAYLOR,

Plaintiff,

v.

6:14-CV-0814
(GTS/ESH)

COMM'R OF SOC. SEC.,

Defendant.

APPEARANCES:

JOHN W. DEHAAN
Counsel for Plaintiff
300 Rabro Drive East, Suite 101
Hauppauge, New York 11788

OF COUNSEL:

JOHN W. DEHAAN, ESQ.

SOCIAL SECURITY ADMINISTRATION
OFFICE OF REG'L GEN. COUNSEL – REGION II
Counsel for Defendant
26 Federal Plaza - Room 3904
New York, New York 10278

DAVID B. MYERS, ESQ.

GLENN T. SUDDABY, United States District Judge

DECISION and ORDER

Currently before the Court, in this action filed by Melissa J. Taylor ("Plaintiff") against the Commissioner of Social Security ("Defendant" or "Commissioner") pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3) seeking disability benefits, are the Report-Recommendation of United States Magistrate Judge Earl S. Hines, issued pursuant to 28 U.S.C. § 636(b)(1)(A) and (B) and Local Rule 72.3(c) of the Local Rules of Practice for this Court, recommending that the Commissioner's decision be reversed and the case remanded. (Dkt. No. 12.) Objections to the Report-Recommendation have not been filed, and the time in which to do so has expired. (See *generally* Docket Sheet.)

After carefully reviewing all of the papers herein, including Magistrate Judge Hines's thorough Report-Recommendation, the Court can find no clear error in the Report-Recommendation.¹ As a result, the Report-Recommendation is accepted and adopted in its entirety; and the case is remanded to Defendant for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g).

ACCORDINGLY, it is

ORDERED that Magistrate Judge Hines's Report and Recommendation (Dkt. No. 12) is **ACCEPTED** and **ADOPTED** in its entirety; and it is further

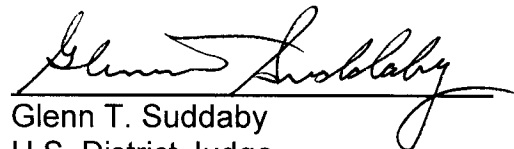
ORDERED the Commissioner's motion for judgment on the pleadings (Dkt. No. 10) is **DENIED**; and it is further

ORDERED that Plaintiff's motion for judgment on the pleadings (Dkt. No. 8) is **GRANTED**; and it is further

ORDERED that the Commissioner's decision denying disability benefits is **VACATED**; and it is further

ORDERED that this matter is **REMANDED** to the Commissioner of Social Security for further proceedings pursuant to sentence four of 42 U.S.C. § 405(g) and consistent with the specific instructions outlined in the Report and Recommendation.

Dated: August 5, 2015
Syracuse, NY


Glenn T. Suddaby
U.S. District Judge

¹ When no objection is made to a report-recommendation, the Court subjects that report-recommendation to only a *clear error* review. Fed. R. Civ. P. 72(b), Advisory Committee Notes: 1983 Addition. When performing such a "clear error" review, "the court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation." *Id.*; see also *Batista v. Walker*, No. 94-CV-2826, 1995 WL 453299, at *1 (S.D.N.Y. July 31, 1995) ("I am permitted to adopt those sections of [a magistrate judge's] report to which no specific objection is made, so long as those sections are not facially erroneous.") (internal quotation marks and citations omitted).